

Origin: E&E Website
Date: 12/20/2004
First Name: Dave
Last Name: Saber
Address: 8022 Orchard Loop Lane
City: Elk Grove
State: CA
Zip Code: 95624
Topic: Public Safety: Hazards and Risk Analysis
Comments: Complaints that the pipelines located near Oxnard schools will impose grave danger are simply unfounded. Now we are using children to fight much needed projects. There are already high-pressured gas lines everywhere – probably below every school in the US. There are a very low number of accidents. It's like saying you won't drive your child to school because you might get into an accident, so cars should be banned.

G334-

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

USOC-2004-16877-645

Comment Form—Cabrillo Port LNG Deepwater Port draft EIS/EIR

Name (Please Print): Brittany Sahatjian
 Organization/Agency: student
 Street Address: 1709 Las Posas Rd
 City: Camajillo State: CA Zip Code: 93010
 Email address: spectacularfatling@hotmail.com

Please provide written comments in the space below and drop this form into the comment box.

You may also submit comments

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>
- Or by mail or email to following addresses:

Docket Management Facility
 Room PL-401
 400 Seventh Street SW
 Washington, DC 20590-0001

California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825
ogginsc@slc.ca.gov
 Attention: Cy Oggins

All comments must be received by 2 p.m. PST, December 20, 2004

Comments (Use other side or attach additional sheets if necessary):

I am opposed to the presence of a natural gas port in Oxnard because it poses a dangerous threat to people living in nearby towns. Explosions have previously been a problem in Mexico so what is to say it won't be a problem in Oxnard? I am also opposed to the exploitation of natural gas in general because it

No action will be taken until the environmental review process is completed.

G511-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Section 4.2 and Appendix C contain information on public safety.

Section 4.2.8 contains information on safety requirements for pipelines. Section 4.13.1 discusses the proximity of the proposed pipeline routes to residences and schools.

G511-1

is not a renewable resource and
the extraction process threatens the
environment as well.

G511-2

G511-3

G511-2

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

G511-3

Section 1.3 contains information on this topic.

Name (Please Print): Brenna Sahatjian
 Organization/Agency: Arts for Action
 Street Address: 3323 Rikkard Dr
 City: Thousand Oaks State: CA Zip Code: 91362
 Email address: brennabeth@hotmail.com

Please provide written comments in the space below and drop it

Source:
Public Meeting - Oxnard PM

Date: 11/30/2004

You may also submit comments

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>
- Or by mail or email to following addresses:

Docket Management Facility
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California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825
 ogginsc@slc.ca.gov
 Attention: Cy Oggins

All comments must be received by 2 p.m. PST, December 20, 2004

Comments (Use other side or attach additional sheets if necessary):

I have lived in Ventura County all my life.
I am very strongly opposed to LNG
on the grounds that it is unsafe for G066-1
residents and our environment, that it is perpetuating
an unsustainable reliance on fossil fuels, and G066-2
that there is sufficient popular opposition
to warrant a decision against it in the
name of democracy. G066-3

No action will be taken until the environmental review process is completed.

G066-1

Section 4.2 discusses this topic.

G066-2

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

G066-3

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

DEC. 19. 2004 9:30PM

308757

NO. 425 3. 1/1

Source:
USCG Docket

December 2, 2004

Date:

12/19/04

Dear Sirs,

USCG-2004-16877-687

I support the LNG port in Oxnard. I was unable to speak at your hearing even after waiting nearly 4 hours to do so. This project will bring many good jobs to Oxnard.

G472-1

G472-2

Mario Salnez
Mario Salnez
935 Saratoga
Oxnard, CA 93035

2004 DEC 20 P 12:33
COPY OF TRANSMITTAL
USCG Docket

Docket No. USCG-2004-16877
State Clearinghouse No.
20044021107

G472-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G472-2

The notices for the public meetings and the information provided at the public meetings indicated that commenters would speak in the order that their requests were received, after elected officials and representatives of government agencies were heard. We regret that you were unable to stay at the meeting to provide oral testimony; however, your submitted written comment carries the same weight as any oral comments provided at public hearings.

DEC. 19. 2004 9:28PM

308752

NO. 424 P. 1/1

USCG-2004-16877-685

G473-

I showed up to support the jobs and community benefits that will come from the excellent LNG project for the city of Oxnard at the hearing at the Performing Arts Center but was unable to speak because many of the speakers took all of the available time. I want you to know that I support this project.



Lillo Sainez
950 South J Street, Apartment # 205
Oxnard, CA 93035

1
2Source:
USCG Docket

Date:

OFF OF THE ATTORNEY
GENERAL
100 DEC 20 PM 12:33

Docket No. USCG-2004-16877
State Clearinghouse No.
20044021107

G473-1

The notices for the public meetings and the information provided at the public meetings indicated that commenters would speak in the order that their requests were received, after elected officials and representatives of government agencies were heard. We regret that you were unable to stay at the meeting to provide oral testimony; however, your submitted written comment carries the same weight as any oral comments provided at public hearings.

G473-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Date: 12/20/04



Sierra Club

Los Padres Chapter

Santa Barbara and Ventura Counties

Arguello Group

Conejo Group

Santa Barbara Group

Sespe Group

Alan Sanders
Conservation Chair
232 N. Third St.
Port Hueneme Ca. 93041
805-488-7988
alancaatdaddy@aol.com

December 20, 2004

Cy Oggins,
California State Lands Commission
100 Howe Ave., Suite 100-South,
Sacramento, Ca 95825-8202
916-574-1884
oginssc@slc.ca.gov

The Los Padres Chapter of the Sierra Club for over 20 years has played a leading role in providing advocacy for the protection of sensitive biological resources in Ventura and Santa Barbara Counties. The LPC has supported Ormond Beach Observers, the Ormond Beach Task Force and the Ormond Project, which has played an important part in protecting wildlife and habitat in the Ormond area. The LPC has commented on several proposals to alter these sensitive habitat areas over the years.

We have reviewed the combined DEIR/EIS for the proposed Cabrillo Port project and make the following recommendations: The level of detail necessary to provide adequacy under the provisions of CEQA/NEPA are lacking with regards to several sections including; Project Description/ project Location, Consistency with Regional and Local Plans, Alternatives, Marine traffic, Aesthetics, Air Quality, Marine and Terrestrial Biological Resources, Cultural Resources, Land Use, Noise, Light Pollution, Transportation, Water Quality, Environmental Justice, Cumulative Impacts, Growth Inducing Impacts and others. We have requested and been denied more time to review the environmental documents so as to provide guidance to the decisionmakers. Therefore we must advise that the Cabrillo Port DEIR/EIS is inadequate and insufficient to comply with CEQA/NEPA. It is necessary to revise and recirculate the documents before proceeding with the administrative process.

SECTION 4.4 AESTHETICS

The LPC commented on many potential impacts in the scoping hearings and regrets to find that not all were considered and those that were, were not given adequate consideration. Most significant is the inappropriate mischaracterization of Light Pollution as mostly impacting Aesthetics to the exclusion of real, significant impacts on habitats and wildlife. This section in the DEIR/EIS concentrates its analysis almost exclusively on low angle views of the project area. Most of the area from Point Mugu to Malibu and on each of the Channel Islands will experience significant impacts due to loss of both daytime and nighttime vistas that now provide amenities serving

G474-1

Thank you for the information.

G474-2

A Revised Draft EIR was recirculated in March 2006 under the CEQA for an additional public review period of 60 days. Sections 1.4 and 1.5.3.2 contain additional information on this topic. The distribution list for the document is provided in Appendix A.

G474-3

"Construction, Lighting" and "Operation, Lighting" under Impact BioMar-3 in Section 4.7.4 discuss the impacts of lighting on marine biological resources. Sections 4.8.1.1, 4.8.5.2 and 4.8.5.4 discuss lighting impacts on terrestrial biological resources.

G474-1

G474-2

G474-3

Section 4.4 contains information on the visual aspects of the Project, potential impacts, and measures to address such impacts. "...[t]he FSRU would appear similar in shape to commercial vessels that are frequently seen in the Project area..." Table 4.3-1 contains information on the numbers and representative sizes of vessels that are commonly found in the proposed Project area. See Impact AES-1 in Section 4.4.4. Appendix F describes how visibility from various distances was evaluated and provides additional simulations prepared for viewpoints at elevated sites along the Malibu coastline and inland areas.

public recreation, visitor serving economic interests, filming, photography and other established uses.

Some analysis is done regarding impacts of views of residents but little is said to identify or mitigate the lost views to other persons who try to enjoy the vistas from higher angles along the coast, from the Channel Islands or aboard pleasure craft at sea.

Also absent is an analysis of the cumulative effect of the increased light pollution from the Cabrillo Port site or the Ormond odorization site. Both areas will contribute to an overall increase in light pollution that is a significant impact on aesthetics during the night.

Impacts on aesthetics during daytime hours are also ignored. Most of the dialogue in the document focuses on low angle views. Higher angles are prevalent throughout the hills and mountains along the coast and on the islands. Therefore, it is appropriate that impacts on daytime and nighttime aesthetics be identified and potential mitigations discussed.

The modeling used to calculate visual impacts focuses solely on the Cabrillo Port. LNG carriers and supply vessels away from Port are excluded. Each of these vessels creates a visual impact that must also be evaluated.

The placement of an onshore industrial facility at Ormond Beach is a significant impact to daytime and nighttime views. The document incorrectly assumes that the presence of the existing industrial development at Ormond somehow excuses the placement of this additional development without serious environmental review.

Current plans for Ormond wetlands restoration have included discussions on the elimination of the generating station when it's "shelf life" has expired. The addition of the onshore terminal will extend indefinitely the presence of urban industrial facilities in the center of a planned restoration area. The terminal may also create an incentive to extend the life of the present generating unit or its replacement with another unit that otherwise might not occur.

Section (Missing) Light Pollution.

Aside from the aesthetic impacts of light that affects humans are significant impacts that affect habitat and wildlife. The effect of increased lighting at Ormond and Cabrillo will create harm and harassment to wildlife in both environments.

Light Pollution at Ormond is already significant. Areas that are currently designated as resource protection areas in large part do not enjoy the darkness necessary to function as a wild habitat area. The document incorrectly assumes that because lighting is already present that an increase in lighting is therefore insignificant. This is not true. Lighting from the Reliant facility and other area industries serves to highlight wildlife that otherwise would have a greater protection of darkness. The introduction of additional lighting into an area already suffering from an excess of light pollution poses a significant impact on wildlife and habitat areas. The effect of light pollution may make some animals more visible to predators thus altering normal interactions of predators and prey. Similarly, this interaction may be affected by the loss of night vision after gazing towards the lights.

Mitigation for this impact should be attainable if it is fairly evaluated.

G474-3
cont'd

G474-4

G474-5

G474-6

G474-7

G474-8

G474-9

G474-4

Impact AES-1 in Section 4.4.4 addresses ocean views from higher elevations on shore and from the Channel Islands, Impact AES-2 addresses nighttime views from shore, and Impact AES-3 addresses views for recreational boaters offshore.

G474-5

Section 2.2.2.2 discusses lighting onboard the FSRU, and Section 4.4.1.1 addresses visual aspects of lighting at the deepwater port. Section 4.4.1.4 discusses aesthetic aspects at the Ormond Beach Generating Station, and Section 4.20.3.4 discusses cumulative aesthetic impacts, including offshore lighting. The proposed Project has been modified since issuance of the October 2004 Draft EIS/EIR, and the main odorant station has been relocated to the FSRU with a smaller backup odorant facility onshore.

G474-6

Section 4.4 has been updated since issuance of the October 2004 Draft EIS/EIR. Appendix F discusses the methodology for the visual analysis and the selection of elevations and locations for visual simulation modeling. Section 4.4.3 presents aesthetic impacts: Impact AES-1 addresses ocean views from higher elevations on shore and from the Channel Islands; Impact AES-2 addresses nighttime views from shore; and Impact AES-3 addresses views for recreational boaters offshore.

A viewer standing on the road above the beach (about 47 feet above sea level) versus standing on top of Mugu Peak (1,271 feet above sea level) represents a change in viewing angle from approximately 0.03° at the beach to 0.64° on top of Mugu Peak. From a distance of 12 to 18 NM, the angle of elevation would make a negligible difference that would not be discernible to the naked eye. From both viewpoints, the FSRU would appear as a small, featureless shape at the horizon, and often would not be visible due to typical atmospheric conditions near the horizon.

G474-7

Section 4.4.1.1 discusses visual aspects of LNG carriers. Supply vessels would be similar to other vessels that are common features of the existing marine viewshed, i.e., the environmental setting.

G474-8

See the response to Comment G474-5. As discussed in Section 2.4.1.3, the small backup odorant injection system would be located at the Reliant Energy Ormond Beach Generating Station. Section 4.4.1.4 contains additional information on this topic.

G474-9

Section 4.4.1.4 discusses visual aspects of the Ormond Beach Metering Station. "Construction, Lighting" and "Operation, Lighting" under Impact BioMar-3 in Section 4.7.4 discuss the impacts of lighting on marine biological resources. Sections 4.8.1.1, 4.8.5.2 and 4.8.5.4 discuss lighting impacts on terrestrial biological resources.

Effects of Light Pollution at Cabrillo are likewise a significant impact on the environment. The near shore and off shore waters offer migration routes and habitat for many sensitive species including marine turtles, birds and mammals. The document treats the project site as if its impacts are only within the relatively small area of the port. This is not true. Light from the port, the LNG carriers and service craft will all have impacts upon marine life over an area of many miles including the listed migration routes. How will migrations and daily lives of marine resources be impacted by a new light source where none has been before? No data was given to describe the total cumulative amount of lighting that will be present other than listing some of the light sources and some of the measures taken. It is noteworthy that the security demands of other agencies for increased lighting is treated as if it is exempt from review. This is not true. The DEIR/EIS must reveal all impacts created by the project regardless of the circumstances for each element of the plan. The document shows the amount of light from the shore in different places but makes no attempt to show what it would look like from the perspective of migrating turtles or marine mammals. There is no analysis of how the lights would affect movement of various marine resources, either towards or away from the light source.

Section 4.7 Marine Resources.

The LPC disagrees with the assessment made relative to habitats for marine mammals in the project area. We find that the area is abundant and prolific with marine mammal species. Furthermore, the area serves as a key link in migratory routes for many species. The project will place an impediment to the use of this area by some species. Therefore any alteration in the present behavior of migratory or resident populations may create a significant impact.

Ship traffic to and from Cabrillo crosses most of the whale migration routes listed. It is reasonable to assume that the number of vessels making these crossings will result in a predictable number of strikes of marine life. The number of strikes associated with service vessels will inflate this number. We believe the total numbers will be significantly higher than predicted in the document and that the mitigations should account for a higher number of likely strikes.

The number of sightings and strikes is valuable information, which needs to be kept by a credible and capable entity. AMM BioMar-9b, attempts to deal with this problem by establishing a number of measures. We believe the listed measures are insufficient to protect area resources. Most of the entities listed have no history of providing the services mentioned. Most are too far away and have little connection with area resource protection. Therefore, we would rather see a plan that uses local groups and that has some mechanism for making data available to the public.

Although the necessity for marine mammal observers was acknowledged, there was no indication of the difficulty of getting a timely response from either state or federal agencies concerning marine mammal issues and problems. Not even for mortality or injury data requests or collection reports. This is unacceptable and the need for local oversight is paramount. Since the facility and subsequent ship traffic, not to mention initial construction, will all occur just

G474-10

G474-10

Impact BioMar-3 in Section 4.7.4 addresses this topic. To minimize disturbance of marine biota behavior or sensitive habitats due to lighting, the Applicant has incorporated a lighting control plan (AM BioMar-3a) into the proposed Project.

G474-11

Section 4.7.1.5 provides an updated discussion of this subject.

G474-12

Impact BioMar-9 and AM BioMar-9b, Marine Mammal Monitoring, in Section 4.7.4 have been updated.

G474-13

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

G474-11

G474-12

G474-13

offshore Ventura County, in general, and Oxnard's Ormond Beach, specifically, some local monitoring and oversight and rescue coordination is desired. Recent history of problems with Santa Barbara-based stranding volunteers and a total lack of response from federal and state bureaucracies strongly points out the need for local involvement and participation. We strongly suggest that these issues be brought to the immediate attention of the Ventura County Board of Supervisors. They should concern themselves with the marine mammal impacts of this project at the earliest possible opportunity and the applicant should make arrangements to consult with this and other local interests.

G474- 13
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If there are lights on at night, all year, even anti-collision lights, then they're going to attract squid blooms. Squid blooms will mean pinniped and possibly cetacean attraction, too. This may change the balance of wildlife in the project area increasing the potential for significant impacts. What kind of entanglement issues will arise will probably not be known until after the facility is in operation during those times. Marine mammal monitors might help, of course, even if it's only to monitor fatalities. But even this is only meaningful if we have full disclosure and a willingness to alter some arrangements.

G474-14

A similar mechanism should be developed for collection of data on impacts to all the habitat areas surrounding all the project sites. This would help the operator to alter some of its activities or mitigation measures in the future without requiring additional administrative procedures.

G474-15

Section 4.8 Biological Resources-Terrestrial

The DEIR/EIS claims to address "biological resources within 1,000 feet (305 meters [M]) of the pipeline corridor and special status species within 1 mile (1.6 kilometers [km]) of the corridor. This section also contains mitigation measures for each potential impact, as well as an evaluation of the impacts on terrestrial biology from the proposed Project alternatives."

G474-16

The figure used for identification of biological resources is insufficient to adequately determine what impacts to the environment will result. We recommend using 1,500 meters as a more realistic guideline

Although the figure of 1 mile is given for identification of sensitive species many such species known to exist within the stated area are not listed or are identified as living only at Mugu lagoon. This omission is significant in that the certification of this document will create a record of the known biota in the area at this date that in many regards are incomplete and therefore false. Time, and statute dictate that commenter should not be required to re-write substantial sections of an EIR when the responsibility falls on the applicant. However this is exactly what is needed to rectify large-scale omissions in the public record. It appears that the information used in identifying sensitive species comes largely from work done at Mugu Lagoon. This is appropriate to establish a base line of data. Many, if not most of these same species also are known to reside in or visit similar habitats at Ormond. However the table used (Table 4.8-2b) in many cases fails to acknowledge noncontroversial Ormond area uses by these same species. As an example, many persons in the project area have observed *Falco peregrinus anatum*, as has *Buteo regalis*, *athene cunicularia*,

G474-17

G474-14

Impact BioMar-3 in Section 4.7.4 contains information on Project lighting impacts on marine life.

G474-15

Section 4.7.4 lists mitigation measures for impacts on marine biological resources. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

G474-16

The area evaluated is consistent with protocols of the USFWS and CDFG, the public agencies with regulatory authority.

G474-17

Section 4.8 incorporates new biological data that were collected after publication of the October 2004 Draft EIS/EIR. Section 4.8.1.1 discusses sensitive species in the coastal zone.

numeria americanus as well as many others. The DEIR/EIS misses the point that Mugu, Ormond, Hueneme are not separate areas but parts of a single ecological system. Although somewhat degraded, the system still has degrees of connectivity and functionality. This is why restoration plans are ongoing. The DEIR/EIS plans for further fragmentation and isolation without regard for the effect on individual species or the overall ecological system. The DEIR/EIS acknowledges plans by the Coastal Conservancy and City for wetlands restoration but fails to consider that these plans are relatively small parts of a substantially larger vision to enhance much more of the Hueneme/Ormond/Mugu ecological system. The DEIR/EIS must be revised to accurately address these failures. It is impossible to identify "mitigation measures for each potential impact" when the resources to be mitigated are not adequately identified.

The DEIR/EIS says that "Figures 4.8-3 and 4.8-4 show the special status plants, wildlife and natural communities within 5 miles of the proposed Project pipeline route." This is false. Only some of the areas are shown and even then the figures try to cram too much information into a single map. Individual maps are needed and these should show the full range of each sensitive species expected to be subjected to any degree of impact. These maps are not helpful. They don't even do a good job of showing a composite of sensitive species because so many areas are omitted.

The DEIR/EIS does a mapping of jurisdictional wetlands but fails to do similar mapping using criteria of the California Coastal Commission or CDFG. Following this theme the DEIR/EIS fails to use Coastal Act criteria in evaluating impacts to sensitive species but rather uses more restrictive federal criteria.

The DEIR/EIS relies on its federal wetlands delineation to the exclusion of state criteria. This is evident in the failure to address impacts associated with pipelines crossing parts of an area planned for wetlands restoration at Ormond. These areas would not now be considered wetlands by using the federal criteria so a federal delineation will not identify any conflicts. However the planned pipeline route may have the effect of altering or preventing the long-term restoration efforts at Ormond. This might have an impact on the recovery of several listed species in violation of ESA and CESA as well as the Coastal Act. The pipeline is sited in an area with many affected jurisdictions. Defining the issue only in terms related to Section 404 misses requirements by state, county and city jurisdiction.

Ormond has significantly more species than the 41 bird species mentioned in the document, (Sanders, personal observations). This fact has been documented in many other EIRs dating back to the first LNG proposal in Oxnard in the 1970s

The DEIR/EIS fails to adequately address indirect impacts associated with both construction and maintenance of pipeline and facilities at Ormond.

Figures 4.8-1A, B, and D as well as table 4.8-1 do not provide a "depiction of vegetative communities within the Coastal Zone" shown instead is a rather smaller glimpse of some communities within the smaller vicinity of the pipeline route.

The identified Impact TerrBio-4 should be amended to include State defined wetlands. This amendment should result in some different conclusions regarding impacts and mitigations. Additionally, the DEIR/EIS in other section acknowledges the plans by the City of Oxnard and Coastal Conservancy to restore area wetlands. The Project has the potential of altering or preventing some of the plans now being

G474-18

G474-18

Section 4.8.4 describes mitigation measures to avoid, minimize, or reduce impacts on Ormond Beach. As discussed in Section 4.13.2.2, the Applicant would be required to obtain a consistency certification from the California Coastal Commission for the proposed Project.

G474-19

Figures in Section 4.8 have been updated.

G474-20

As discussed in Section 4.8.1.1 and Table 4.8-10, the Project must be consistent with the California Coastal Act. Wetlands within the right-of-way along the coastline were delineated within the context of the California Coastal Commission and California Department of Fish and Game wetland definitions.

G474-21

Project impacts on coastal ecosystems would be limited to the pipeline corridor during construction and operation (see Section 2.1). The shore crossing required for the proposed Project would be installed beneath Ormond Beach. With the proposed mitigation, the potential impacts of construction, operation, or an accident on terrestrial biological resources would be reduced to a level that is below the significance criteria.

G474-22

See the responses to Comments G474-20 and -21.

G474-23

The Final EIS/EIR states that 41 bird species were found during surveys by the referenced entity. This does not mean that avian diversity in the area is limited to that number.

G474-24

Impact TerrBio-2 discusses this topic. In accordance with NEPA and the CEQA, and with DHS and USCG implementing regulations, this document considers the direct and indirect effects of the proposed Project and its alternatives.

G474-25

The sentence in Section 4.8.1.1, referred to in the comment, has been clarified.

G474-26

Text and associated tables regarding wetlands in Section 4.8.1.1, 4.8.1.2, 4.8.1.3 and 4.8.5 have been revised to reflect new

information submitted by the Applicant. One wetland on the proposed route and three wetlands on alternative routes would fall under state jurisdiction, and were delineated using state wetland protocols. These wetlands would be crossed using the slick bore method or HDB, thus avoiding impacts to biota and hydrology.

considered. The pipeline could significantly alter area hydrology by acting as a dam thus interfering with the ability to redirect water through the Ormond area. This is a significant omission. Several obstacles to water movement already are present including gas lines. This project and other projects plan for more pipelines crossing perhaps the most critical part of the area considered for restoration. Each of these features, and all of them collectively pose a substantial challenge to creating an effective restoration plan. One alternative in a restoration plan could be open water features on both sides of Edison Drive between the power plant and McWane. The DEIR/EIS must consider this and all the alternatives in a planned restoration so as to accurately discuss impact avoidance and mitigation.

Impact TerrBio-8 fails to consider the full range of indirect impacts associated with increased human presence. People often bring in food that may be discarded in ways that attract crows, gulls and other potential predators. The presence of these animals doesn't necessarily stop when the food isn't present if animals learn to expect that eventually they will be rewarded. Human presence will have an impact on shy species like burrowing owls and coyotes that might alter area ecology.

Impact TerrBio-9 should be given additional evaluation in light of recent Ormond developments regarding sensitive species. In the summer of 2004 the Ormond Colony of California least terns abandoned the nesting area prematurely causing death to a number of chicks and placing young semi-fledged birds at risk. Populations of western snowy plovers were also significantly lower than previous years. The LPC alleges that unpermitted take has occurred. The LPC also alleges that responsible agencies have failed to take effective action to stop harm and harassment that has lead to death of adult and juvenile least terns and probably snowy plovers as well. The agencies haven't yet taken any action and show no inclination or ability to do so now or in the future. Therefore, planned mitigations that depend on agency actions are hollow at best. We recommend that the applicant finds a way to directly control all planned mitigation measures rather than pass this responsibility to other agencies.

To pursue this thought, it should be said agency responsibility is no assurance that any actions will take place due to budget constraints, apathy or some other reason. Therefore, the LPC advises that all mitigation measures dependent upon agency actions be rewritten to use private parties and the issuance of bonds as an insurance of fulfillment of agreements.

The DEIR/EIS takes the position that least terns nest to the west of the power plant. This is not true. Least terns in recent years have nested in this area. However, they have moved significantly up and down the beach in the last 15 years, (Sanders, personal observation). Historically the whole of Ormond was habitat area for least terns and snowy plovers.

When looking at the 4.8.3 Significance Criteria the questions should be answered as follows:

The project would likely adversely affect populations of California least terns and western snowy plovers and possibly other threatened, endangered, regulated or other sensitive species by reducing its numbers; altering behavior, reproduction, or survival; or causing loss or disturbance of habitat. The DEIR/EIS fails to acknowledge

G474-26
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G474-27

AM TerrBio-2c in Section 4.8.4, which discusses the Employee Environmental Awareness Program (EEAP), has been revised, and addresses the concerns raised in the comment.

G474-28

Section 4.8.4 has been revised and contains additional information on this topic.

G474-29

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

G474-30

Section 4.8 contains updated information regarding western snowy plover and California least tern, reflecting the most current status of ongoing agency consultation required under the Endangered Species Act.

G474-31

Section 4.8 has been updated to reflect the most recent status of ongoing consultations with USFWS and NOAA regarding threatened and endangered species required under the Endangered Species Act.

this or to create mitigations. Therefore this is significant impact is not lessened or avoided.

The project would have substantial adverse effects both directly and indirectly on listed, proposed or candidate endangered or threatened species listed under either the California or federal ESA (terns and plovers).

The project would cause a net loss in the functional habitat value of a sensitive biological habitat including salt, freshwater, or brackish marsh; marine mammal haul-out or breeding area ...or area of special biological significance.

The project causes the potential for movement or migration of wildlife to be impeded.

The project could have a long-term adverse effect on federally protected wetlands ... through direct removal, filling, hydrological interruption, or other significance by way of the pipeline through the Ormond area.

The project causes a substantial permanent adverse effect on wetland, riparian or other sensitive habitat identified in local or regional plans....

The project adversely affects a species, natural community, or habitat that is recognized specifically as biologically significant in local, state, or federal policies, statutes, or regulations.

The project fails to comply with local policies or ordinances protecting biological resources....

The project conflicts with provisions of an ongoing wetland restoration project; ...or other approved local, regional, or state habitat conservation plan or biological resource preservation policy.

The project substantially interferes with the movement of any native resident or migratory or wildlife species, or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.

Section 4.13 Land Use Designation

The DEIR/EIS should include discussion of impacts in this section for the effects on the ultimate boundaries of the Channel Islands National Marine Sanctuary. The decision to be made will essentially be a sea version of a Land Use decision. The discussion in the Cumulative Impacts section substantially misses some important parts of the decision to be made. While it is correct that the Project may not preclude the expansion of the boundaries of CINMS the effect could be the same if the applicant chooses to oppose the expansion. Therefore it is important in determining impacts to CINMS that disclosure is forthcoming on whether the applicant will oppose boundary expansion. In fact enough is known about the proposed boundary expansion and its effects that the applicant should be able to make this decision as part of this process. If that decision is to oppose boundary expansion this document must reflect the impacts on Land Use decisions and all other areas where significant impacts should be discussed. If, to the contrary, the decision would be to support expansion some accommodations would surely be made. These decisions must be disclosed now, as they are a reasonably foreseeable aspect of the proposed actions.

**G474-31
(cont.)**

G474-32

G474-33

G474-34

G474-35

G474-32

Potential impacts on wetlands, sensitive species and biologically significant habitats are discussed in Section 4.8.4.

G474-33

Section 4.8 has been updated to include a discussion of compliance with applicable local ordinances, and potential impacts on the Ormond Beach wetland restoration project and other habitat conservation plans. Potential impacts on restoration projects and other habitat conservation plans are also discussed in Section 4.20.

G474-34

This topic is discussed in Section 4.8.3.

G474-35

The FSRU would be located outside of the current boundary of the Channel Islands National Marine Sanctuary (CINMS) and vessels associated with Cabrillo Port operations would not be expected to enter the CINMS. Sections 4.7.1.4, 4.13.2.2, and 4.20.1.5 discuss the potential expansion of the CINMS boundary, which is not proposed at this time. Sections 4.7.4, 4.15.4, 4.16.4, and 4.18.4 describe potential impacts on the marine environment and proposed mitigation measures to reduce those potential impacts.

The DEIR/EIS also fails to consider impacts created by other land use decisions including: Ormond Resource Protection area; Ormond Restoration area; Oxnard LCP; Ventura County LCP and others.

G474-36

Section 5.2.2 Significant Unavoidable Impacts

As our comment has said, the LPC disagrees that impacts generated by the project are confined to those listed in this section.

G474-36.1

Section 5.5 Growth Inducing Impacts.

The reasoning given for determining that increased supplies of natural gas will not be used for new development is flawed. "The project area is served by numerous natural gas suppliers and economic activity is already in place." This has no bearing on the question "Could the project foster economic or population growth." An honest answer would be yes to both. There are no provisions to limit new hookups in any way, nor is there any requirement that data be collected on new hookups.

G474-37

"Would the project provide new employment?" The answer given was narrowly directed at the employees working on construction of the facilities. During the public hearings many project supporters stated that the project would create growth in area employment due to economic stimulus and availability of cheap energy. This potential growth must be acknowledged and evaluated as an impact of the project.

G474-38

"Would the project cause development elsewhere?" Again the answer given in the DEIR/EIS does not conform with testimony supporting the project for the reason that increased development and economic growth are tied together.

G474-39

Summary

The LPC believes that the DEIR/EIS is insufficient and incomplete and therefore violates state and federal law. We also believe some of the problems we identify here may be resolved with an extension of the comment period.

G474-40

We hereby incorporate by reference all comments made by all parties on the proposed project and adopt them as our own.

Thank you for your consideration.

Sincerely,


Alan Sanders

G474-36

Section 4.13.1 discusses existing and future use plans at Ormond Beach and elsewhere in the Project area. Section 4.13.2 discusses consistency the Oxnard and Ventura County Local Coastal Programs and other land use regulations. Section 4.13.3 states that the Project would not conflict with existing land uses, local or regional zoning regulations, or plan policies.

G474-36.1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G474-37

The text in Section 5.5 has been revised since issuance of the October 2004 Draft EIS/EIR. The California Energy Commission projects an increased demand for natural gas due to existing customer demand and projected regional development. Accordingly, the Project, along with other energy projects, would not induce the projected growth in demand for natural gas.

In addition, the proposed Project does not propose facilities to provide "local hookups," but would connect to the existing SoCalGas transportation infra-structure to the Los Angeles area.

G474-38

See response to Comments G474-37.

G474-39

See response to Comment G474-37.

G474-40

All deepwater port applications fall under the authority of the Deepwater Port Act, which requires that a decision on the application be made within 330 days of the publication of the Notice of Application in the Federal Register. The Notice of Application for the Cabrillo Port Project was published in the Federal Register on January 27, 2004. Although the comment period (53 days) could not be extended at that time, a March 2006 Revised Draft EIR was recirculated under the CEQA for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional

45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

Origin: E&E Website
Date: 12/16/2004
First Name: Elizabeth
Last Name: Sandor
Address: 6314 friars rd. 212
City: san diego
State: CA
Zip Code: 92108
Phone No.: 619-2987879
Email: esandor@aol.com
Address: Energy and Minerals
Comments: we pay too much for energy...

G054-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/17/2004
First Name: Elizabeth
Last Name: Sandor
Address: 6314 Friars rd.212
City: san diego
State: CA
Zip Code: 92108
Phone No.: 619-847-4984
Email Address: ESandor@aol.com
Topic: Energy and Minerals
Comments: I think we as Californians need to support any and all energy sources .We pay to much for our power sources.

G068-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: michael
Last Name: saydah
Address: 9974 Scripps Ranch Blvd #323
City: san diego
State: CA
Zip Code: 92131
Phone No.: 858.547.0123
Email: msaydah@att.net
Address:
Topic: Energy and Minerals
Comments: We must plan for the future. The cost of energy is high, resources are scarce and it is necessary to explore all our options.

G278-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.